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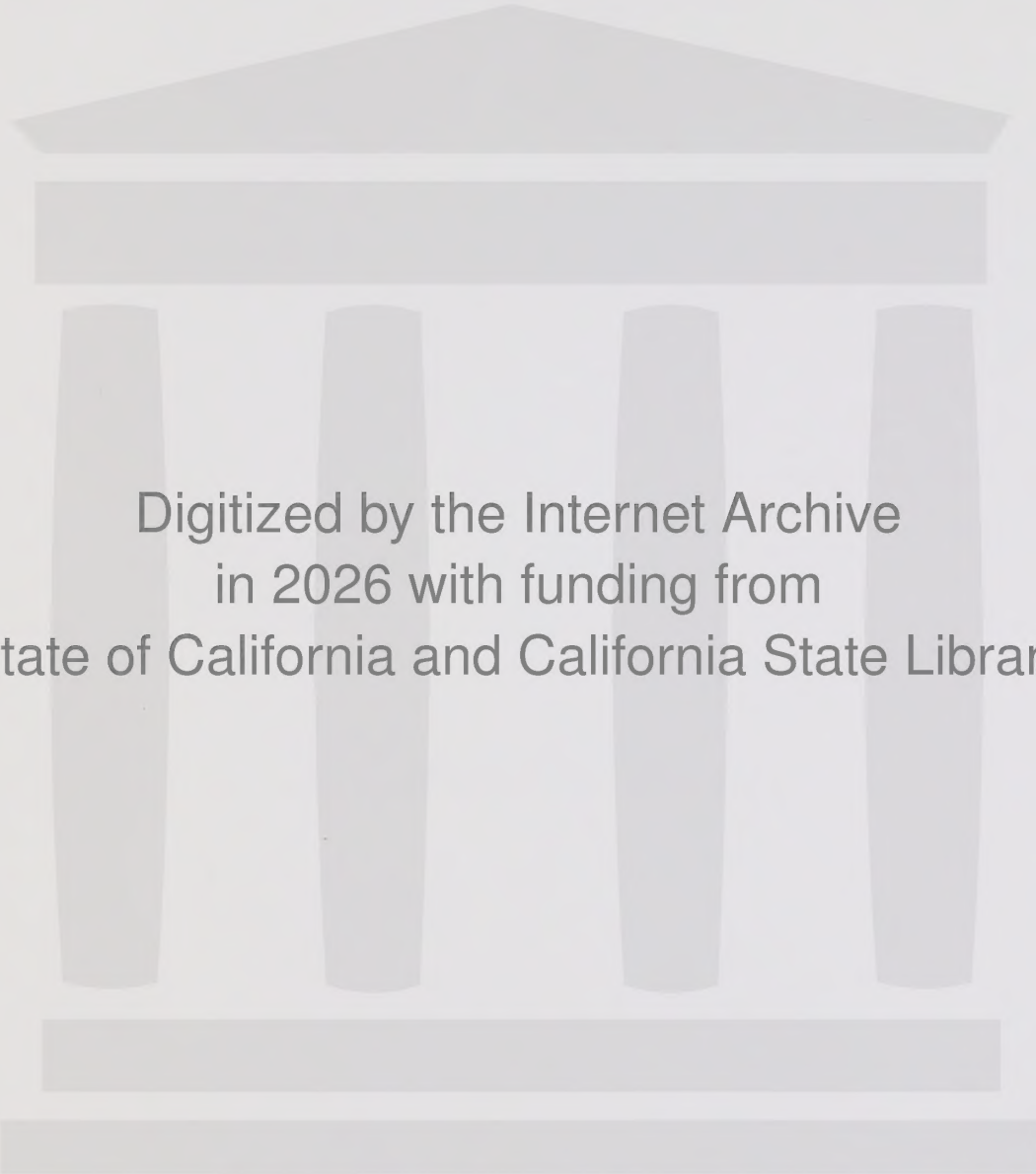
Report of the Rampart Independent Review Panel



Executive Summary

November 2000





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REPORT OF THE RAMPART INDEPENDENT REVIEW PANEL

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*A report to the Los Angeles Board of Police Commissioners
concerning the operations, policies, and procedures
of the Los Angeles Police Department
in the wake of the Rampart scandal*

EXECUTIVE SUMMARY

November 16, 2000

EXECUTIVE SUMMARY

Introduction

Los Angeles, long home to one of the country's leading police forces, is now struggling to address one of the worst police scandals in American history. At the center of the scandal are allegations of corruption and widespread police abuse by anti-gang officers assigned to the Los Angeles Police Department's Rampart Area.

Rampart Area is located just west of downtown Los Angeles, covers 7.9 square miles, and is one of the busiest and largest operational commands within the LAPD, with more than 400 sworn and civilian personnel assigned. The Area has the highest population density in Los Angeles, with approximately 33,790 people per square mile, and the crime rate has always been among the highest in Los Angeles.

By the mid-1980's, the Rampart Area experienced a significant increase in violent street gangs, heavily involved in narcotics trafficking with easy access to weapons. The Los Angeles Police Department responded with a branch of its special anti-gang unit – known as CRASH, "Community Resources Against Street Hoodlums." Determined to cut crime, LAPD gave Rampart CRASH officers wide latitude to aggressively fight gangs. According to the LAPD, gang-related crimes in Rampart Area fell from 1,171 in 1992 to 464 for 1999, a reduction that exceeded the city-wide decline in violent crime over the same period.

This "success" of CRASH, however, came at a great price. Rampart CRASH officers developed an independent subculture that embodied a "war on gangs" mentality where the end justified the means. They resisted supervision and control and ignored LAPD's procedures and policies. The misconduct of the CRASH officers went undetected because the Department's managers ignored warning signs and failed to provide the leadership, oversight, management, and supervision necessary to control this specialized unit. The ultimate result is a police corruption scandal of historic proportions, involving allegations not just of widespread perjury and corruption, but of routine evidence-planting, and incidents of attempted murder and the beating of suspects.

The Rampart scandal has raised troubling questions about the Los Angeles Police Department, which for decades has prided itself on its freedom from corruption. How did

the Department fail to discover that Rampart CRASH officers allegedly had shot unarmed suspects and then planted guns to justify the shootings? Why did no officers come forward to report the apparent misconduct by their fellow officers? How did the Department's risk management systems fail to identify the problems at Rampart? What kinds of controls are in place to prevent a repeat of Rampart in other specialized units in the Department? Was there something about the LAPD's ethics and culture or the recruitment and training of its officers that allowed this scandal to occur?

The scandal has damaged the LAPD leadership and the Police Commission to such an extent that an outside federal monitor will soon be appointed, backed by the enforcement powers of the federal courts. Many officials and others simply do not believe that the Police Commission can effectively oversee the Department, or that the Department will submit voluntarily to civilian oversight. Questions also have been raised about the Department's ability to investigate uses of force by its officers; its handling of civilian complaints; its commitment to community policing; its failure to develop a system to track problem officers; its failure to implement adequate auditing procedures; and, above all, its willingness to institute the reforms necessary to restore its credibility in the eyes of the community it serves. It is imperative that these questions be addressed energetically and imaginatively, both by the Department and by the City as a whole. The impending federal consent decree will provide a promising framework for related reform. But the consent decree cannot be the end of the process, nor can it limit the scope of reform.

On September 21, 1999, Chief Bernard C. Parks of the Los Angeles Police Department convened an internal Board of Inquiry to conduct an independent review of the Rampart scandal and its causes. On March 1, 2000, the Board of Inquiry produced a 355-page public report with 108 conclusions and recommendations, reflecting the considered judgment of some of the Department's most respected officers. The Department is to be commended for the sustained effort at self-examination that produced this report, and the report itself is a thoughtful and valuable document. The Board of Inquiry, however, focused primarily on operational matters, not on the broader context in which the Department's policies, procedures, and practices exist, and it conducted its fact finding and analysis without input from the community.

Because the Rampart revelations so gravely shook public confidence in the Department, the Board of Police Commissioners saw the need for a broader inquiry that would not only look at the Department's policies, procedures and operations, but would consider structural issues and obtain input from inside and outside the Department – an inquiry that would not investigate the allegations of former LAPD Officer Rafael Perez, but would examine the broader issues raised by his allegations.

The Rampart Independent Review Panel was then formed to conduct an independent review of these issues and report its findings to the public at the same time that it delivered its report to the Police Commission. The Panel consists of over 190 community leaders, attorneys, investigators, accountants, educators, retired judges, retired law enforcement officers, business executives, and others, who formed eight working groups to investigate the policies, procedures and operations of the LAPD. Attorneys on the Panel and their staff contributed, free of charge to the City, well over 7500 hours of work. Skilled investigators spent more than 5000 hours on the project. The Panel conducted hundreds of interviews of police officers, community leaders, concerned citizens, government officials, and law enforcement experts. We cannot list all of the people who spoke to us, because many of them requested anonymity. But they include the following:

- all current members of the Police Commission and eight former members
- the current Chief of Police and two former Chiefs of Police
- five current deputy chiefs and ten commanders of the LAPD
- more than 190 captains, lieutenants, sergeants, detectives, and police officers of the LAPD
- the Executive Director, the first Inspector General, and the current Inspector General of the Police Commission
- a wide range of civilian employees of the LAPD
- representatives from the Mayor's Office
- six members of the Los Angeles City Council
- the City Attorney and seven senior members of his staff
- members of the Board of Civil Service Commissioners and the City Personnel Department

- community leaders, members of the clergy, and representatives of civil rights organizations
- members of the civil rights and criminal defense bars
- current and former members of the Los Angeles and Orange County Sheriff's Departments, the Los Angeles County District Attorney's Office, the U.S. Department of Justice, the Federal Bureau of Investigation, the Immigration and Naturalization Service, and the Bureau of Alcohol, Tobacco and Firearms
- representatives of police departments in New York, Santa Ana, South Pasadena, Ft. Worth, Boston, Chicago, and San Diego
- representatives of civilian agencies overseeing law enforcement in San Francisco, San Jose, Berkeley, Sacramento, Boise, and Denver
- nationally-recognized experts in the areas of police reform and oversight

As set forth in this report, the Panel found that much remains to be done to reform the Los Angeles Police Department and to restore its credibility in the eyes of the public.

Civilian Oversight

The LAPD is governed by a civilian oversight model that dates back to the 1925 City Charter. The fundamental elements of that model have endured to this day and survive in the new City Charter that went into effect on July 1, 2000. This longstanding model vests authority over the Department in a five-member Board of Police Commissioners appointed by the Mayor and approved by the City Council.

Historically, the Commission has not exercised the degree of control over the Department that one would expect given the Charter's broad grant of power to the Commission. In 1965, in the aftermath of the Watts Riots, the McCone Commission found that the Police Commission was "not visibly exercising the authority over the Department vested in it by the City Charter." Over 25 years later, in the aftermath of the Rodney King beating, the Christopher Commission concluded that the Commission's authority over the Department was "illusory," because "[s]tructural and operational constraints greatly weaken the Police Commission's power to hold the Chief accountable

and therefore its ability to perform its management responsibilities, including effective oversight."

The Christopher Commission recommended that the existing model of a five-member, part-time citizen Commission be retained, but proposed a number of reforms aimed at increasing the Commission's ability to perform its Charter-mandated function and remedying the imbalance of power that had developed between the Commission and the Chief of Police. Some of these measures were implemented, notably the exemption of the Chief from existing civil service protections and restriction to two five-year terms as Chief, and the creation of the position of Executive Director of the Police Commission and the Office of the Inspector General.

Nonetheless, civilian oversight of the Department remains weak. Several factors undermine the Police Commission's ability to exercise strong civilian oversight of the Department. Commissioners all serve part-time and are unable to bring their full attention to bear on the work of the Commission. Further, the Commission has no authority over discipline notwithstanding the impact that officer misconduct has on the community. The Commission continues to be distracted by functions that have nothing to do with managing the Department, and it continues to be understaffed. Finally, the authority of the Commission has been undermined by the Mayor's Office.

The Inspector General's Office was envisioned as the "eyes and ears" of the Police Commission. Its ability to monitor the Department and gather information, however, has been hindered by inadequate staffing, lack of cooperation by the Department in responding to requests for information, lack of coordination with the Police Commission, and the inability to provide confidentiality to whistleblowers and informants.

This lack of visible and effective civilian oversight worsens the Department's own credibility problem in the eyes of the community. Whether or not the problems in the Department leading to the Rampart scandal could have or should have been identified long ago through proper oversight, there is a widespread belief that the Commission's oversight has been ineffective and resisted by the Department. The Commission's continuing weakness means that it cannot lend credibility to the Department by validating its good decisions while also uncovering its mistakes and holding the Department

accountable for its decisions and actions. Nor can the Commission function as an effective advocate for the Department by explaining to the Mayor, the City Council, and the community the Department's successes or providing support for additional resources.

Ethics and Culture

The LAPD of today is not the LAPD of a generation ago. Today's officers have fewer years of policing experience and are more diverse in gender, ethnicity, and prior employment experience. Fewer officers have military backgrounds. More officers have college degrees. Officers are more likely to challenge authority, and less likely to remain at LAPD throughout their careers.

The Department's approach to policing also is changing. LAPD is moving from its traditional focus on what it refers to as the "professional model" of policing, centered on crime-fighting with minimal contact with the public, to include community policing, with its added emphasis on problem-solving, community involvement, and crime prevention. The Department also has struggled to change in response to a seemingly ongoing set of scandals and problems that have affected the way the community views the Department. As one sergeant, who has been with LAPD for more than 25 years, told us: "People are more informed, less trustful, and more willing to question an officer's decisions."

To a troubling extent, however, the culture of the LAPD remains committed to "top down" management, rather than to collaborative problem-solving. Command staff and upper management have failed to treat officers as full partners in the Department's mission, sworn officers have failed to treat the Department's civilian employees as full partners in that mission, and the Department as a whole has failed to treat the communities it serves as full partners in the tasks of public safety. Training in ethics and integrity, moreover, has remained limited, haphazard, and only marginally effective.

These failures seriously undermine effective and ethical policing in Los Angeles. Morale among officers is alarmingly low, in large part because officers feel that the Department systematically ignores their views and interests. Officers are overwhelmingly distrustful of management and hostile to the command staff, and they resent and lack confidence in the Department's disciplinary system, known informally as the "1.28 system." There is a widespread concern throughout the Department that

supervisors spend too much time on paperwork and not enough time leading. The Department also has great difficulty recruiting and retaining civilian employees, in part because these employees frequently feel they are not treated as true members of the Department. Community policing – which must be at the heart of the Department's efforts to reestablish its credibility with the public – remains more a slogan than a reality. The LAPD still fails to treat the communities it serves as full partners in its mission, a failure exemplified by the Department's redeployment of Senior Lead Officers without community input and by its refusal to deal seriously and credibly with complaints of racial profiling. Ethics remains almost an afterthought in the training of the City's police officers.

The vast majority of Los Angeles police officers have high ethical standards and a strong commitment to public service. Without these standards and this commitment, it is unlikely they would have chosen the stressful and dangerous occupation of policing. But the internal cultural problems the Panel found undermine effective policing in Los Angeles on a day-to-day basis. Unless addressed they will be a significant stumbling block to meaningful change by the Department.

Community Outreach and Relations

Although the LAPD has made great strides in developing better relations with minority communities, representatives of these communities repeatedly told the Rampart Independent Review Panel that the LAPD has failed to explain its mission to them and has failed to take advantage of the community-based resources that could help to make the Department's job easier. Many residents of minority communities characterize their interactions with the LAPD as largely confrontational. The unfortunate but apparently widespread perception among many of these residents, particularly young people and those who work with them, is that the LAPD officers patrolling their communities do not sufficiently differentiate between individuals, instead depersonalizing and categorizing them by appearance, attitude, and association.

Representatives of minority communities told the Panel that the Department does not take the time to meet the individuals in specific communities, to learn about the community itself and its peculiar dynamic, to engage those individuals who are willing to serve as community liaisons, to explain the LAPD's mission, and to accommodate the

cultural and language challenges across Los Angeles. Many members of the community have lost a sense that the police are part of the community. One factor contributing to this has been the Department's inadequate commitment to community policing and, in particular, its redeployment of Senior Lead Officers. These officers were widely valued, and the decision to redefine their duties without consulting affected residents undermined the credibility of the Department and further strained relations between the Department and the communities it serves.

As a tool for increasing interaction between the LAPD and the community, the Community Police Advisory Boards (C-PAB) have been inconsistent. Some C-PABs involve many community members and are perceived as valuable avenues of communication with the Department. Others have been subject to more “dictatorial” control by Area captains, and are isolated and clubby. Even when community members have been involved, the lack of funding for community newsletters limits the dissemination of information about CPABs and their activities, and constricts their usefulness in fostering community policing. Furthermore, the communication fostered by C-PABs is too often one-way. It is not clear to residents that their input affects the LAPD's actions either locally or at a strategic level.

Representatives of minority communities told the Panel they do not believe the Police Commission adequately represents the diversity of Los Angeles or seeks sufficient input from the City's various communities in making policy for the LAPD. Nor do they view the Office of the Inspector General as a vehicle for providing community input to the Commission. We also found continued dissatisfaction regarding the Department's handling of complaints against its officers.

For all of these reasons, the LAPD does not appear to have a bank of good will in minority communities on which it can draw in the wake of the Rampart scandal. The widespread distrust of the police in these communities makes it far more difficult for the Department to operate effectively. The Department needs to redouble its efforts to educate communities throughout the City about its operations, to learn from and about these communities, and to be responsive to their views. In short, just as the Department needs to treat its officers and civilian employees as full partners in its mission, so it needs also to forge genuine partnerships with all of the communities that it serves.

Discipline

As the Board of Inquiry recognized, the Rampart scandal raises grave questions about the quality of supervision and discipline in the LAPD. There is much that is right with the LAPD's disciplinary system. The Department has made discipline a high priority and has done much to ensure that allegations of misconduct are treated seriously. All complaints of police misconduct are reduced to writing and find their way to a single point for review and investigative assignment – no small achievement given the size of the LAPD and the demands on its resources. Throughout the Department, among both command staff and rank-and-file, the commitment to effective discipline is strong. Every sworn officer with whom we spoke expressed a desire for a system that addresses misconduct and removes it from the Department. The officers were unanimous that there should be no tolerance in the Department for abuse of police power.

Unfortunately, the Department's current discipline system leaves much to be desired. The Board of Inquiry pinpointed some of the system's deficiencies. The Panel concurs, in particular, with the Board's recommendations regarding the jurisdiction, staffing, and operation of the Department's Internal Affairs Group. Our recommendations, however, go beyond those of the Board of Inquiry.

The Department's internal discipline system has several fundamental defects. The first is that the system is overburdened. The policy of investigating every complaint has caused the system, at times, to grind nearly to a halt, and has caused many to perceive the system as onerous. As a result, the system consumes a significant portion of the time and effort of commanding officers and supervisors, who are responsible for the leadership, training, and supervision that is supposed to prevent misconduct from occurring in the first place. The second defect is that the Internal Affairs Group is understaffed. The third defect is the absence of structured discretion. Some aspects of its discipline system leave the Department no ability to respond to varying circumstances; other aspects give the Department virtually unfettered flexibility. What the system consistently lacks, and what it critically needs, is room for the sensible exercise of discretion within limits imposed by formal guidelines.

For example, in 1998 the Department implemented a new system for processing complaints against officers, commonly known as the "1.28 system." The system requires

that all complaints be formally recorded, routed to Internal Affairs, and fully investigated. Previously the Department had handled many complaints informally, without creating a permanent record. By eliminating this practice, the 1.28 system has made the Department's handling of complaints more accountable and easier to track. But the inflexibility of the 1.28 system has placed an enormous administrative burden on the Department's managers and supervisors. Virtually everyone we spoke to in the Department, including rank-and-file officers, supervisors, and command staff, told us that many officers at the rank of sergeant and above spend at least half of their time investigating, documenting or adjudicating complaints. Accordingly, they have less time for supervising and managing to ensure proper police conduct at the outset. A large part of the problem is that the same investigative protocol is followed for virtually all complaints, regardless of the type or severity of conduct alleged. These costs might be worth bearing if the 1.28 system had significantly increased public confidence in the Department's disciplinary system. But more than three-quarters of the complainants we surveyed did not believe that their complaints of misconduct by LAPD officers were thoroughly investigated by the Department.

Similarly, any complaint against an officer automatically freezes the officer's advancement until the complaint is investigated and adjudicated. Because the 1.28 system is so overburdened, investigations over even minor matters can drag on for months, during which time the officer, in an important respect, is treated as guilty until proven innocent. The rigid rule blocking an officer's advancement pending investigation and adjudication of any complaint, no matter how frivolous, contributes significantly and understandably to widespread resentment of the 1.28 system throughout the LAPD, and to the undesirable lengths to which some officers go to avoid prompting any complaint.

Whereas the LAPD's procedure for processing complaints suffers largely from undue rigidity, the selection of administrative sanctions, like the decision whether a complaint should be investigated by Internal Affairs Group or the officer's Division, is too open-ended. The Department lacks formal criteria for selecting the appropriate penalty for misconduct and, partly as a result, officers throughout the Department believe that sanctions are applied unfairly and inconsistently. In particular, our interviews make clear that there is a widely perceived double standard: senior officers are almost

universally thought to receive more lenient sanctions than the rank and file. The perception that penalties are imposed inconsistently is exacerbated by lack of confidence in the fairness of the Board of Rights, which currently both decides whether violations have occurred and determines appropriate penalties, subject to reduction by the Chief of Police.

One additional aspect of the absence of structured discretion in the LAPD's selection of administrative sanctions deserves special mention. In some cases, harsh discipline of officers who fail to report misconduct has reinforced the "code of silence" within the Department, by deterring officers from coming forward. For a variety of reasons, including friendship, loyalty, fear of retaliation, and uncertainty regarding acceptable practices, officers who witness misconduct often fail to report it immediately, but may later reconsider their decision, particularly if they see further misconduct by the same officer. (Punishing officers for failing to come forward immediately discourages them from reporting the conduct later, adding to the informal pressure to keep quiet.) The Department worsens this problem by sometimes treating a failure to report more seriously than the underlying violation, even when the officer who originally failed to report the misconduct later came forward or answered truthfully in an investigation. 128

Our investigation of the Department's discipline system revealed another ground for concern: we detected a reluctance of LAPD officers at all levels to criticize the current disciplinary system on the record, and a fear by officers that any criticism of the system might block their advancement within the Department. Regardless whether this fear is justified, its existence is cause for serious concern, and it reinforces the findings and recommendations we make elsewhere in this report regarding officer morale. Neither the LAPD's discipline system nor the Department as a whole can function effectively unless officers believe they have a stake in its success, and that they can criticize it without fear of retaliation.

Officer-Involved Shootings and Other Uses of Force

Over the past several decades, officer-involved shootings and other uses of force by the LAPD have been repeatedly the subject of controversy, and the Department has taken significant steps to constrain and monitor the use of force by its officers. Unfortunately, these steps have not been sufficient.

Although the Department's written policies regarding the use of force are admirably clear and restrictive, the Department's methods for investigating and adjudicating officer-involved shootings and uses of force are flawed. There are structural problems in the way in which LAPD is organized to investigate such incidents; a lack of clarity in the roles performed by its investigators; serious problems associated with the impact of the City Charter's one-year limitations period on administrative investigations, including possible tainting of criminal investigations by compelled officer statements; resistance to outside review; and deficiencies in the manner in which these investigations are conducted and reviewed internally.

The Department seriously compromises criminal investigations of officer-involved shootings and major uses of force by the very way it structures these investigations: starting them after the administrative investigation has commenced, failing to ensure the Internal Affairs Group handles the criminal investigation, and blurring the responsibilities of investigators. Under LAPD procedures, the initial investigation and any continuing administrative investigation of an officer-involved shooting or major use of force is conducted by the Robbery-Homicide Division or the Detective Headquarters Division. The Internal Affairs Group is supposed to take over the investigation if facts surface suggesting possible criminal conduct. Internal Affairs thus often must rely on initial investigative work performed by Robbery-Homicide or Detective Headquarters Division, and resource shortages often force it to send investigations back to those divisions even following a criminal referral.

None of the other police agencies examined by the Panel routinely commence administrative investigations before criminal investigations. The LAPD practice, which responds in part to a one-year limitations period imposed on administrative proceedings by the City Charter, creates serious problems. Not only does it create the risk that California's one-year statute of limitations on criminal misdemeanor uses of force will expire before completion of the LAPD investigation, but it produces compelled statements from officers that cannot be used in the criminal investigation and prosecution. These compelled statements, moreover, can jeopardize any prosecution if criminal investigators or prosecutors are exposed to the statements or to evidence obtained through their use.

Moreover, by failing to ensure that criminal investigations of every officer-involved shooting or major use of force are conducted from the very beginning by Internal Affairs, the LAPD seriously undermines the quality of these investigations. As the Board of Inquiry recognized, investigations of Department personnel are among the most sensitive and complex tasks undertaken by the Department. Particularly when those investigations involve a potentially criminal use of force, it is critical that they be performed from the outset by specialized personnel undistracted by other duties at the scene, and whose responsibilities are not blurred. This does not happen in Los Angeles, in large part because the LAPD's Internal Affairs Group has never received the necessary resources.

Unfortunately, detectives in the Robbery-Homicide and Detective Headquarters Divisions too often fail to approach investigations of officer-involved shootings or major uses of force as potential criminal matters. The interviews of officers and the collection of physical evidence at the scene too often have the earmarks of administrative, rather than criminal, investigations. In particular, not only do the investigators routinely compel statements from officers - potentially tainting any subsequent criminal investigation, and minimizing the chance that officers will decide to speak voluntarily - but the questioning of officers is not always as probing as would be expected in a criminal investigation, or in an investigation that might become criminal. The problem is frequently exacerbated by the presence of a lawyer or other representative from the Los Angeles Police Protective League. And although investigative interviews of officers and witnesses are supposed to be tape recorded, the tape apparently is sometimes stopped and restarted during questioning, and pre-interview "walk-throughs" are not tape recorded or otherwise preserved.

In theory, all officer-involved shootings and major uses of force by LAPD officers are reviewed first by the LAPD's Use of Force Review Board, then by the Chief of Police, and then by the Police Commission and its civilian staff. For a variety of reasons, though, meaningful civilian review in these cases has been sporadic at best. The Commission's representatives in the Office of the Inspector General and the Commission's Special Services Unit are permitted to attend the Review Board hearing, but may not ask questions and are excluded from the deliberations. Severe understaffing

of the Commission and the Office of the Inspector General, together with inherent weaknesses in the Special Services Unit, seriously hobbles civilian review of shootings and major uses of force, and even with additional resources the Commission and its staff will be hard pressed to engage in meaningful review of shootings and major uses of force unless they have more time - particularly because the investigative files on which the Commission, the Chief, and the Review Board all rely often are incomplete. In addition, the Commission, like the Review Board and the Chief, does not consider an officer's disciplinary history, past uses of force, and record of pursuits when determining whether a shooting is out of policy, even when it could be helpful, for example, in resolving issues of credibility or determining patterns of conduct.

Nor are these the only problems with the way the Department investigates officer-involved shootings and other uses of force. The Department still fails to make and to keep adequate records of uses of force by its officers. Proper investigation of shootings by officers has been hampered by a lack of effective communication and coordination with the District Attorney's Office. And the Department lacks uniform standards for investigating non-lethal uses of force that do not require hospitalization, and for deciding when and how these matters should be referred for prosecution.

The LAPD needs to give priority to criminal investigations and re-assign investigative responsibilities to the Internal Affairs Group for potentially criminal investigations. A new Use of Force Division should be established for administrative investigations to eliminate the blurring of responsibilities and to improve the quality of investigations of use of force incidents. It also needs to work closely with the Risk Management Division and Training Group to identify at-risk officers and to enhance training in tactics, and to improve communications and coordination with the District Attorney's Office to enhance the Department's credibility with respect to its investigation of officer-involved shootings and uses of force.

Risk Management

For nearly a decade, the LAPD and City of Los Angeles have failed to comply with an unequivocal mandate from the Christopher Commission for the adoption and implementation of an effective risk management system to reduce public complaints, litigation, injuries, and financial loss without impairing the delivery of police services to

the public. Such a system is essential to the operation of any large metropolitan police department. Had one been in place in the LAPD, the clearly identifiable pattern of officer-involved shootings, uses of force and personnel complaints might have been detected earlier, and many of the abuses at the heart of the Rampart scandal might have been prevented.

The lack of an automated data system that can capture information relating to officer conduct and make it accessible to LAPD's managers and supervisors is the most glaring failure of the Department's risk management system, but it is not the only one. The Department's Risk Management Division lacks the resources and institutional support to function effectively, and the Department lacks a true system of command accountability for risk management. Unless and until these problems are rectified, the LAPD's efforts at effective risk management, effective control of police misconduct, and a restoration of public confidence in the Department are all likely to fail. In order for any risk management system to succeed in the LAPD, that system must not only incorporate technological tools enabling the Department to access and analyze relevant data, it must also be thoroughly integrated with a strong system of management accountability.

Effective risk management at the LAPD has also been impeded by a general disengagement of the Department from civil and criminal litigation over allegations of officer misconduct. The LAPD and the Offices of the District Attorney and the City Attorney have failed to develop adequate procedures to ensure that the Department receives and responds to all pertinent information regarding possible officer misconduct, and that the prosecuting agencies satisfy their discovery obligations regarding problem officers. The LAPD has been largely insulated from civil litigation over police misconduct. The Department has a limited role in developing litigation strategy and settling civil litigation, and is not held accountable for damages or for other costs of litigation. As a result, it has had little incentive to act aggressively and imaginatively to stem those costs.

There must be support and accountability for risk management at every level of LAPD. Eliminating and managing foreseeable risk must become the responsibility of all management levels in the Department. The Department must ensure that the tools for

implementation of a risk management policy are provided and that the Risk Management Division has adequate resources and trained personnel.

Personnel and Training

The Rampart scandal raises questions not only about how LAPD officers go about their work and how they are managed and supervised, but also about how those officers and their supervisors are selected and trained in the first place. The Panel found no evidence that minimum hiring standards or formal promotion procedures at the LAPD are seriously flawed. The Panel does, however, agree with the Board of Inquiry that screening and investigation of LAPD applicants should be significantly strengthened, and we recommend greater openness regarding the Department's criteria for promotion. With respect to the critical task of training, the Department has made significant improvements over the past ten years and shows real commitment to making further progress. However, much room for improvement remains.

The Department has not given its Director of Police Training and Education adequate resources or adequate influence. Academy training still is too compartmentalized, and still slights problem-solving skills. As previously mentioned, ethics training remains limited, haphazard, and of doubtful effectiveness. Field Training Officers still are inadequately screened and inadequately trained. And in-service training remains weak, although the Department has promising plans for improving it.

The LAPD needs additional supervisory resources and a more determined will to lead, manage, and train its field supervisors and officers. Captains perform so many administrative tasks that they lack adequate resources and time to provide the necessary leadership to the field supervisors and officers they manage. Sergeants are also burdened with administrative responsibilities and report that they receive little or no supervisory training. In addition, the Department places too much emphasis on adherence to rules alone, and does not encourage young officers to develop judgment and discretion.

Specialized Units

The Rampart corruption scandal grew out of the activities of Rampart CRASH, which was one of a number of specialized units in the LAPD that target suspects who, by virtue of the nature of their conduct or the perceived dangers they pose, require specially

trained personnel to suppress the targeted criminal activity and to detect and arrest offenders.

Specialized units, however, pose special risks for corruption. They have traditionally operated independently from the ordinary chain of command, target offenders who are perceived as “bad or dangerous,” often engage in dangerous operations, and may work together as a cohesive group for many years resulting in the development of strong internal loyalties. Because of these factors, specialized units risk the development of a subculture, with their values separate and apart from those of the Department, that will resist oversight and supervision by the Department. Further, specialized units present special risks that are inherent in their missions, including the use of excessive force, other civil rights violations (such as selective enforcement), and corruption (such as theft and bribery).

The use of specialized units may be justified by the need for a police department to have a dedicated group with special expertise, skills, and training to bear on a particular problem. To avoid another Rampart scandal, however, it is imperative that these units have clearly defined missions, receive specialized training, be closely supervised, and receive monitoring and regular audits to prevent the development of subcultures that will resist the Department’s policies and procedures. The operations and oversight of any specialized unit must be designed to strictly minimize the risk of corruption once the Rampart spotlight fades.

APPENDIX A

FINDINGS

Civilian Oversight

1. Weak civilian oversight continues to hamper effective and ethical policing in Los Angeles.
2. The Commission has suffered from lack of leadership and focus owing to the part-time status of the Commissioners.
3. The Police Commission's lack of power over discipline undermines its authority.
4. The Commission still does not have enough resources to do its job and is distracted by the permitting function.
5. Disagreement persists over the boundaries of the Commission's authority: Policy vs. operations.
6. The Mayor, the Chief, and the City Council have not worked together with the Police Commission to solve problems within the Department.
7. The Office of the Inspector General is severely understaffed.
8. The Department has seriously impeded the work of the Office of the Inspector General by failing to cooperate with the Office's requests.

Ethics, Culture, and Community Policing

1. Morale within the Department is alarmingly low and significantly impedes effective and ethical law enforcement, in large part because management has failed to make officers feel they are full partners in fulfilling the Department's mission.
2. Officers overwhelmingly resent and lack confidence in the Department's disciplinary system, and their resentment and lack of confidence are undermining effective and ethical law enforcement.

3. The Department has failed to treat the communities it serves as full partners in its mission, and this failure has significantly impeded effective and ethical law enforcement.
4. The Department has failed to treat its civilian employees as full partners in its mission, and this failure seriously threatens the quality of policing in Los Angeles.
5. Ethics training in the LAPD remains limited, haphazard, and only marginally effective.

Community Outreach and Relations

1. The Los Angeles Police Department does not effectively communicate with the communities it serves.
2. Community members question the LAPD's commitment to community-based policing.
3. Many residents view the LAPD as excessively hostile and confrontational.
4. Residents do not believe that the Police Commission represents their interests.
5. There is general dissatisfaction with the Department's handling of public complaints.

Discipline

1. The Department's disciplinary system is overburdened and has impacted supervision and officer morale without achieving credibility with the public.
2. The disciplinary system is too rigid and inflexible.
3. The Department's Internal Affairs Group - the linchpin of its internal discipline system – is underfunded and understaffed.
4. The Department's selection of sanctions lacks guidance and creates a system that is perceived to be arbitrary and unfair.
5. The Boards of Rights are perceived to be unduly influenced by the Chief of Police.
6. Other aspects of the disciplinary system are perceived to be arbitrary and unfair.

Officer-Involved Shootings and Other Uses of Force

1. The Department seriously compromises criminal investigations of officer-involved shootings and major use of force incidents by commencing its administrative investigation first.
2. The Department also seriously compromises its criminal investigation of officer-involved shootings and major uses of force by failing to ensure that all such investigations are conducted from the very start by the Internal Affairs Group.
3. The Department's investigation of officer-involved shootings and major uses of force too often is lax and fails to treat these cases as potential criminal matters.
4. Civilian oversight of officer-involved shootings and major uses of force by LAPD officers remains mostly symbolic.
5. The Department lacks standard protocols for investigating less serious uses of force by officers and, when appropriate, referring them for prosecution.
6. The Department fails to promptly analyze officer-involved shootings and major uses of force for training and risk management purposes.
7. The Department fails to collect basic information about officer-involved shootings and uses of force.
8. Proper and credible investigation of shootings by officers requires meaningful participation by the Office of the District Attorney from the outset of the investigation.
9. There is a lack of effective coordination and communication between the District Attorney's Office and the LAPD with respect to the Department's investigation of officer-involved shootings and uses of force.

Risk Management

1. An effective risk management system reduces the risk of officer misconduct and enhances the public confidence and trust in a police department.

2. The LAPD has failed to implement an effective risk management system mandated by the Christopher Commission in its 1991 report.
3. LAPD lacks an effective automated computer system for systematically identifying potential risk management problems.
4. TEAMS II will not be an effective automated risk management system unless the LAPD has the necessary infrastructure, policy and procedures to effectively utilize, support, and maintain the system.
5. The Risk Management Division lacks adequate resources to effectively administer a risk management system.
6. The Risk Management Committee lacks criteria for determining and reviewing at-risk officers.
7. There is inadequate command accountability for risk management throughout the LAPD.
8. LAPD did not coordinate with prosecuting agencies and the courts to identify at-risk officers.
9. The LAPD is unable to provide information regarding its officers in response to court-ordered discovery.
10. LAPD does not have an effective means for tracking civil litigation and civil litigation is not a significant component of LAPD's risk management program.
11. The LAPD has a limited role in developing the litigation strategy and settling civil litigation.
12. The Department is not accountable for the costs of litigation.

Personnel

1. The LAPD's minimum eligibility requirements do not need significant revision.
2. Background investigations of LAPD applicants are conducted by officers with inadequate training and experience.
3. Screening and selection of new LAPD officers is the joint responsibility of the LAPD and the City's Personnel Department.

4. The LAPD has improved its training programs and is committed to further progress.
5. Further improvement of training at the LAPD is threatened by the Department's failure to give its civilian Director of Police Training and Education adequate support and influence.
6. Academy training continues to slight problem-solving skills and to be overly compartmentalized.
7. Screening and training of Field Training Officers remains inadequate.
8. In-service training at the LAPD remains weak, but the Department has taken significant steps toward improving it.
9. The LAPD's formal civil service promotion procedures do not appear to have undermined effective management and supervision, but the secrecy surrounding internal promotion criteria has undermined the perceived fairness of the system.
10. LAPD officers need more and better supervision.

Specialized Units

1. The Special Enforcement Units Gang Details (SEU) have a more focused mission and additional controls than the now-disbanded CRASH units.
2. Special Enforcement Units remain at risk because supervisory resources are stretched thin and ongoing supervisory training is inadequate.
3. Special Investigations Section (SIS) has a well-defined mission.
4. SIS members are closely supervised, well-trained, and critically evaluated.
5. The Field Enforcement Section (FES) of Narcotics Division has a well-defined mission.
6. FES supervisors are stretched thin and the section faces a potential shortage of qualified supervisors in the near future.
7. FES has rigorous selection procedures for its officers.
8. Although there is specialized training for FES, there is still a need for additional training of officers and supervisors.

9. The Narcotics Division has adopted extensive integrity assurance procedures; however, some procedural thresholds are not triggered by FES activities.
10. Metropolitan Division (Metro) is an elite unit responsible for multiple specialized assignments.
11. Metro has a rigorous selection process and excellent training and supervision.
12. Metro lacks gender diversity and has generated concerns expressed by minority officers.
13. Organized Crime and Vice Division has the supervision and controls sufficient to mitigate the risk of corruption among its vice officers.
14. Area Vice Units have supervision and independent evaluations to guard against the risk of corruption.
15. There is evidence that the Area Vice Units are driven by arrest statistics.
16. The justification for undercover enforcement of lewd conduct laws is not always appropriately documented.
17. There are a number of deficiencies in Area Vice Unit arrest reports.

APPENDIX B

RECOMMENDATIONS

Civilian Oversight

- 1.1. The President of the Police Commission should serve full-time and should be compensated at the same salary as the Chief of Police. The Vice President of the Police Commission should also serve full-time and should be compensated at the same salary as a Deputy Chief II. The remaining three part-time commissioners should be compensated at \$25,000 a year, to reflect the importance of the position, and the significant time commitment required.
- 1.2. The Police Commission should have overall control and oversight of the disciplinary system, except in individual cases where the imposition of punishment rests with the Chief. Consistent with its oversight responsibilities to ensure the credibility of the disciplinary system, the Police Commission should be given authority to set guidelines for disciplinary policy and to hold the Chief accountable for following them.
- 1.3. The Police Commission should be relieved of its permitting function.
- 1.4. The Police Commission's staff should be increased and reorganized.
- 1.5. The Inspector General's staff should be significantly expanded.
- 1.6. The Police Commission and the Department's command staff should ensure that all members of the Department cooperate promptly with the Inspector General's requests for information and access, including interviews and materials in ongoing investigations, and ensure that the Department meaningfully responds to OIG findings.

Ethics and Culture

- 2.1. LAPD management should be open to and responsive to concerns of officers, and must address the problem of officer morale.
- 2.2. LAPD and the Los Angeles Police Protective League should work to develop a cooperative relationship that recognizes their joint interest in the success of the Department and the well-being of its officers.

- 2.3. Reform of the 1.28 system should take into account officer concerns.
- 2.4. Mechanisms and procedures should be established to permit officers to report misconduct anonymously.
- 2.5. The Department should restore and enhance the Senior Lead Officer Program to full-time community policing.
- 2.6. The Department should institute regular, periodic meetings with the Community.
- 2.7. The Department should formalize more training at the Academy level in community policing techniques and philosophy.
- 2.8. LAPD should improve the working conditions and expand the career paths of civilian employees, to facilitate filling vacant positions and retaining experienced employees.
- 2.9. All sworn officers should be clearly informed of the contributions of civilian employees and be held accountable for treating all Department employees with civility and respect.
- 2.10. Recommendations 82-87 in the Board of Inquiry Report, concerning ethics and integrity training programs, are appropriate and should be implemented.
- 2.11. Ethics training should be developed as a coordinated program and presented regularly throughout each officer's career.
- 2.12. Ethics training should be presented in a way that is relevant to officers' daily job experiences.
- 2.13. The effectiveness of the Department's ethics training should be evaluated on a regular basis by the Director of Police Training and Education, who should be given sufficient staff to perform this function.
- 2.14. Ethical performance should be positively reinforced. It should be incorporated as a criterion for annual performance evaluations.

Community Outreach and Relations

- 3.1. The LAPD should direct more resources to improving its outreach programs to broaden relations with the communities it serves.
- 3.2. The Department should reaffirm its commitment to community policing.
- 3.3. The Police Commission must improve its communications with the communities it serves.

- 3.4. The Police Commission should address problems with the handling of citizen complaints by the Department by establishing a Public Complaints Section within the Office of the Inspector General.

Discipline

- 4.1. The Department should boost the staffing and funding of the Internal Affairs Group to allow the Group to investigate all complaints of serious misconduct as defined in a written guideline.
- 4.2. The Department should ensure that the Internal Affairs Group has an effective, computerized system to track pending complaints and to ensure that investigations proceed in a timely fashion and are completed well before the expiration of any applicable statute of limitations.
- 4.3. The Office of the Inspector General should regularly audit disciplinary investigations to ensure they are properly conducted and, when appropriate, should monitor investigations as they proceed.
- 4.4. The Department should develop detailed, written guidelines that allow the response to a complaint to vary depending on its seriousness.
- 4.5. The Board of Rights should consist of a captain, a civilian, and a retired law enforcement officer.
- 4.6. Once the Board of Rights concludes that an officer has engaged in misconduct, the Chief of Police should determine the appropriate penalty, guided by formal criteria developed by the Department and approved by the Police Commission.
- 4.7. The Department should ensure that discipline is applied consistently and fairly throughout the Department.
- 4.8. The Department should develop formal, written guidelines that allow the penalty for failing to report misconduct to vary sensibly according to the severity of the failure, and that avoids deterring officers who initially fail to come forward from ever reporting the misconduct they witnessed.
- 4.9. The Department should develop statistical records that allow it to track manifestations of the "code of silence."

Shootings and Other Uses of Force

- 5.1. The City Charter should be amended to toll the limitations period for administrative charges against police officers pending the completion of any criminal investigation of the same underlying conduct.
- 5.2. Criminal investigations of shootings and uses of force by LAPD officers should precede the related administrative investigations, and *Lybarger* admonitions should not be given until the criminal investigation has been completed.
- 5.3. The Internal Affairs Group should roll out to all officer-involved shootings and major uses of force and should conduct all investigations involving potential criminality and serious misconduct.
- 5.4. The Internal Affairs Group should conduct parallel criminal and administrative investigations when it determines that there is potential criminality or serious misconduct.
- 5.5. The Internal Affairs Group should immediately notify the District Attorney's Office whenever it determines that there is reason to believe that an officer's actions may involve criminality or substantial misconduct, and should present such cases to the District Attorney to determine whether prosecution is warranted.
- 5.6. The Board of Police Commissioners should consult with the City Attorney's Office and the District Attorney's Office, members of the City Council and Board of Supervisors, and others to consider vesting the responsibility for all use of force prosecutions of police officers, whether felony or misdemeanor, in the District Attorney.
- 5.7. The Scientific Investigation Division should roll out to the scene of every officer-involved shooting, and to the scene of any major use of force where physical evidence must be collected, and lab work and other forensic analysis should become a routine part of investigating officer-involved shootings or a major use of force.
- 5.8. All officer interviews and witness interviews in connection with an officer-involved shooting or major use of force, and all pre-statement walk-throughs conducted by LAPD investigators, should be routinely and completely tape recorded.
- 5.9. Investigative files in cases of officer-involved shootings and major uses of force should note inconsistencies among officer statements, and between officer statements and other evidence.

- 5.10. The Department should establish a Use of Force Division composed of experienced detectives dedicated to performing administrative investigations of officer-involved shootings and other major uses of force that do not involve evidence of criminality or serious misconduct.
- 5.11. The Inspector General should regularly audit officer-involved shooting and major use of force files to ensure that the files accurately and comprehensively reflect the state of the evidence.
- 5.12. Investigative files in cases of officer-involved shootings and major uses of force should include information about the officer's past history, including disciplinary record, past uses of force, and past pursuits.
- 5.13. Representatives of the Police Commission and of the Inspector General should be permitted to question witnesses at hearings before the Use of Force Review Board, and should be allowed to attend the Board's deliberations.
- 5.14. The Police Commission's Special Services Unit (SSU) should be placed under the direction of the Inspector General, and steps should be taken to improve the quality of SSU review.
- 5.15. The Department should develop a uniform protocol for investigations of minor uses of force by officers, not resulting in hospitalization, including provisions for review of the Division commanding officer's determination by the Bureau Deputy Chief.
- 5.16. The Department should reinstate the protocol that requires investigating officers to submit a preliminary written summary of all incidents involving officer-involved shootings or major uses of force to the Chief of Police within ten days of occurrence.
- 5.17. The Department should convene an executive meeting within two weeks of an officer-involved shooting or a major use of force for the purpose of assessing risk management and training issues pending the outcome of the criminal or administrative investigation.
- 5.18. The Department should take steps to enhance and to enforce record-keeping regarding uses of force, including proper acknowledgement of uses of force on arrest report face sheets. Face sheets for use of force investigations and related databases should be revised to require a complete description of all forms of force used.
- 5.19. The Department should strengthen its commitment to the District Attorney's roll out program.

- 5.20. The Department should designate a Deputy Chief to be responsible for receiving and distributing information from a designated point of contact in the District Attorney's Office that relates to problems with officer credibility or other misconduct.
- 5.21. The Department should designate a Deputy Chief to be responsible for receiving and distributing information from a designated point of contact in the City Attorney's Office that relates to problems with officer credibility or other misconduct.

Risk Management

- 6.1. The TEAMS II system must be designed to permit standard and timely data collection and ready trend reporting, with express protocols for the dissemination and use of TEAMS II data.
- 6.2. The Department should implement standardized policies imposing command accountability for risk management and identifying risk management as a core management obligation with a concomitant commitment of resources.
- 6.3. The Department should reconfigure its Risk Management Division as a group with increased visibility and authority, reporting directly to the Chief of Police.
- 6.4. The Department should create and circulate clear criteria for identifying "at risk" officers for review by the Risk Management Committee.
- 6.5. Pending the implementation of TEAMS II, the Department must develop and distribute written policies regarding the use of current TEAMS data.
- 6.6. The LAPD must implement standardized policies, including the use of a management accountability infrastructure similar to FASTRAC, imposing command accountability for risk management, as recommended by the Christopher Commission.
- 6.7. A high ranking Judicial Liaison must conduct an active program of outreach to bench officers in order to be identified as the point of contact for communication of concerns regarding unacceptable police conduct.
- 6.8. LAPD supervisors should periodically be present in court to observe testimony by police officers.
- 6.9. The LAPD should implement a case management tracking system that directly interfaces with the system used by the City Attorney's Office.

- 6.10. The Department should establish procedures for improved coordination and communication with the City Attorney's Office on the strategy and resolution of cases and enhance the Department's involvement over the resolution and disposition of cases against employees, the Department, and the City arising from employee conduct.
- 6.11. Information from closed cases should be incorporated into officer training and used to improve Department policies and procedures on an ongoing basis.
- 6.12. The Commission should assess the adoption of a charge-back system for costs of litigation, including settlements and judgments, which will impact the budget of the Department to ensure that all levels of LAPD recognize the primacy of serious and continuing risk management efforts.

Personnel and Training

- 7.1. The LAPD should conduct more thorough background investigations on job applicants, and the investigations should be assigned to officers with more training and experience.
- 7.2. Responsibility for screening of new LAPD officers should not be moved to the LAPD from the City's Personnel Department. Instead the two departments should work together to improve evaluation of applicants.
- 7.3. The Department should give its Director of Police Training and Education significantly greater support and influence.
- 7.4. Academy training should be further integrated, and should teach problem-solving skills as well as tactics.
- 7.5. Field Training Officers should be better screened and better trained.
- 7.6. The Department's new in-service training program should be implemented as soon and as fully as possible.
- 7.7. The Department should disclose its promotion criteria.
- 7.8. The Department needs additional supervisors.
- 7.9. The Department must provide additional supervisory training.
- 7.10. Efforts should be made to reduce the administrative burdens on supervisors so that they can spend more time providing leadership and supervision in the field.

Specialized Units

- 8.1. Each specialized division and unit should have a mandatory rotation policy tailored to its structure, mission, and expertise requirements.
- 8.2. Special Investigations Section and Metropolitan Division should increase the number of women officers.
- 8.3. Special Enforcement Unit officers must receive focused training consistent with its mission.
- 8.4. Special Investigations Section supervisors should be trained by Department psychologists in ways to identify stress among members.
- 8.5. Special Investigations Section should take additional steps to reduce the risk of shootings and further minimize the risk to crime victims and bystanders.
- 8.6. The Narcotics Division should provide additional training in the area of evidence collection, preservation, and presentation.
- 8.7. The Narcotics Division should review its procedures for seizures, search warrants and informants.
- 8.8. The Narcotics Division must make sure that all officers know and can implement the procedures in the Integrity Assurance Plan.
- 8.9. Vice Units must document the specific basis for enforcement operations.
- 8.10. The practice of using boilerplate language in arrest reports must stop immediately.

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